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LETTER DATED 12 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of the latest developments with regard to Iraq's failure to comply with Security Council resolution 687 (1991) and all other relevant resolutions, since the Council last reviewed the sanctions regime against Iraq on 20 September 1993.

Iraq's approach towards implementing its obligations under relevant Security Council resolutions has remained unchanged. The continued Iraqi assertions that Kuwait is part of Iraq are clear indications of Iraq's indifference towards complying with relevant Security Council resolutions. Furthermore, such assertions are unequivocal proof of Iraq's unwillingness to recognize the sovereignty, independence and territorial integrity of Kuwait, an issue which lies at the core of all relevant Security Council resolutions, especially resolutions 687 (1991) and 833 (1993).

Following is a review of the latest Iraqi claims on Kuwait since the last review:

1. On 8 November 1993, the Iraqi daily newspaper Babel (No. 749) published an article written by Mr. Nury Najmah Al-Mansoury, Under-Secretary of the Ministry of Information and Culture of Iraq, entitled "Another time ... the dwarfs play with fire", in which he stated that Kuwait is an Iraqi Governorate and accused Kuwait of fabricating the latest incident that took place in the border area on 2 November 1993, in spite of the report of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) that the incident occurred on the Kuwaiti side of the border.

2. On 8 March 1993, the Iraqi daily newspaper Al-Thawra (No. 8338) published an article by Mr. Sabah Yassin, which included yet another threat to Kuwait. The author stated explicitly that the people of Kuwait are Iraqis.

3. The Iraqi media continues to refer to the boundary between Kuwait and Iraq as the "administrative boundary between the two Governorates of Basra and Kuwait", thus indicating the determination of the Iraqi leadership to refuse to recognize the sovereignty and independence of the State of Kuwait, and also Iraq's refusal to recognize the newly demarcated boundary between Kuwait and Iraq. In addition, Iraqi media continues to refer to Kuwait as the "nineteenth province of Iraq".

4. The Iraqi Ministry of Education issued two school certificates in which the place of birth of two students was indicated as the "Governorate of Kuwait". The first certificate, dated 22 September 1993, concerns the student Najeed Abdullah Hamad, and the second, dated 2 October 1993, concerns the student Fawaz Hamud Ubayed (see S/26585).

5. On 14 October 1993, the Iraqi daily newspaper Babel (No. 728), contained an article by Mr. Abdul Jabbar Mohsen, the Press Secretary of the Iraqi President, entitled "To ask the various factions of the opposition to recognize the boundary as demarcated by the United Nations Demarcation Commission is treason against our nation." In the article, Mr. Mohsen stated that "we are confronting a struggle against our nation set up by the imperialists ... we are confronting treason and not an opposition ... it is a confrontation with the rights of our people and not loyalty towards their goals, that led the so-called Amer Abdullah and Abdulrazzak Al-Safi [members of the Iraqi opposition] to recognize the boundary between Basra and the Governorate of Kuwait as defined by the imperialist circles".

6. On 16 October 1993, the Iraqi daily newspaper, Al-Quadissya (No. 313), contained an article by Mr. Adnan Hanati, entitled, "The economic objectives and the methods of economic warfare in the mother of all battles." In the article, the author stated "As far as the economic objectives are concerned in the mother of all battles, which started on 2 August 1990 ... the return of Kuwait to the motherland Iraq and the return of the part to the whole, is considered a historic and geographic rectification ... it was also an economic rectification." In subsequent paragraphs of the same article, the author proceeds to illustrate the economic benefits which will result from the "economic rectification, in other words, the annexation of Kuwait by Iraq" as he indicated. These benefits, included the following:

(a) "The enhancement of transportation, by all its means, between this part of our nation (Kuwait) and all other parts, especially the mother Iraq ... namely, the railway and other means of transportation";

(b) "This rectification will strengthen the role of Iraq as an awakened mother in the field of oil and international oil policy, thus creating a parity in international economic relations";

(c) "This rectification will lead to a large diversification in foreign trade activities, and will decrease our dependence on the outside world, which, in turn, will increase the exchange of trade between Kuwait and the other parts of our nation ... and in particular Iraq";

(d) "This rectification will end the imbalance in the scales of the working force ... existing in this part [Kuwait] ... to the advantage of the individuals in the Arab Nation."

With regard to the humanitarian issue of prisoners and missing persons of Kuwaiti and third-country nationals, Iraq continues to refuse to cooperate with the International Committee of the Red Cross (ICRC). Iraq has not yet replied to the official request by ICRC for information concerning individual files of more than 600 persons, which were forwarded to Iraq by ICRC some eight months ago. As such, Iraq is clearly reneging on its previous readiness to reply to

ICRC regarding any individual file within 10 days of receiving it. Furthermore, Iraq continues to refuse to attend meetings of the Tripartite Committee (consisting of coalition members, Iraq and ICRC) that deals with this issue. Iraq refused to attend the last two meetings of the Committee called for by ICRC, which were held in Geneva in July and October 1993.

Outside the context of the Security Council's mechanism for dealing with this matter, Iraq has prevented Mr. Rashid Idris, the Secretary-General's Envoy to the League of Arab States, from carrying out his mission to visit Iraq and use his good offices as a mediator for the release of the prisoners and detainees. It has also thwarted efforts by the Moroccan monarch, His Majesty King Hassan II, and his gracious mediation aimed at securing release of Kuwaiti prisoners and detainees.

In a further attempt to derail this vital issue, Iraq recently called for the establishment of a committee to include Morocco, Qatar and members of the Kuwaiti Parliament, to "conclude this matter, by directly investigating the facts". This Iraqi proposal, which constitutes an acknowledgement by Iraq to the existence of prisoners and detainees of Kuwaiti and third-country nationals, is intended to confuse the issue further. It is meant to overlap and bypass relevant Security Council resolutions and efforts by ICRC. On this proposal, it is noted that Kuwait welcomes all efforts that would assist in resolving this humanitarian question, as long as these efforts are within the framework of the will of the international community as reflected in Security Council resolution 687 (1991) and all other relevant resolutions.

The above examples are irrefutable proof of Iraq's continued defiance towards complying with relevant Security Council resolutions. Furthermore, they constitute a flagrant breach of the commitments Iraq entered into by accepting these resolutions, thus defying the will of your esteemed body and that of the international community. The continued Iraqi assertions that Kuwait is part of Iraq and Iraq's refusal to cooperate on the issue of prisoners and missing persons are by no means the only proof of Iraq's refusal to comply with Security Council resolution 687 (1991) and all other relevant resolutions. The following account is a testimony of Iraq's added failure to comply with the will of the Security Council.

1. Iraq has not fulfilled its obligation with regard to compensation under section E of resolution 687 (1991) and continues to refuse to implement resolutions 706 (1991) and 712 (1991) (S/26449).

2. Iraq continues to reject the principle of relocation and compensation of Iraqi farmers/landlords whose properties lie on the Kuwaiti side of the border. Furthermore, the Iraqi authorities continue to pressure the farmers/landlords to refuse to cooperate with the land survey expert engaged by the United Nations, who is entrusted with the task of assessing the value of the property and the number of Iraqi nationals located on the Kuwaiti side of the border (S/26449).

3. Iraq continues to insist that it is not responsible for the return of property estimated at hundreds of millions of dollars stolen from the private sector, most of which was moved to Iraq, as documented by inventories published by various Iraqi ministries (S/26449).

The issues raised above are clear indicators of Iraq's persistent pursuit of a policy of defiance towards Security Council resolutions. Since the objective of these resolutions is to secure full respect for Kuwait's independence, sovereignty and territorial integrity, the international community must take appropriate action to secure Iraq's compliance, in letter and spirit, with all relevant Security Council resolutions. The Council needs to address not only the consequences of the invasion and occupation of Kuwait but also the very roots of the invasion. In other words, the Security Council should focus on the continued Iraqi assertions that Kuwait is part of Iraq. Otherwise, Iraqi objectives will continue to pose a threat to security and peace in the region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative